THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 13-09-2005

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WRIT PETITION No.20157 OF 2005

Between:

G.V.L.N.Sivakumar Sarma . . .Petitioner

And

The Govt. of A.P. and another . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.20157 OF 2005

O R D E R:

The petitioner is a Ghanapati. The Commissioner of Endowments, Government of Andhra Pradesh, Hyderabad, issued a notification dated 01-02-2004 inviting applications for the post of Veda Parayanadars in various temples, on recognizing that there exists a dire necessity to propagate the education in Vedas and to upkeep the traditional values of Hinduism. The petitioner responded to the same and the then Commissioner selected him through proceedings dated 24-02-2004. The petitioner was allotted to Sri Peddintamma Ammavari Temple, Kolletikota, Kaikalur, Krishna District. For some reason or the other, the petitioner did not join the said temple immediately.

On the basis of the selection made by the Commissioner, the petitioner approached Sri Yogananda Lakshmi Narasimha Swamy Devasthanam, Vedadri, the second respondent herein, seeking appointment. Inasmuch as the selection of the petitioner was in respect of a different temple, the second respondent insisted that the petitioner must get a revised order of appointment. It was in this context that the petitioner approached the Commissioner and the latter, in turn, appointed the petitioner as Veda Parayanadar, Grade-III, in the scale of 1600-3220 in the second respondent temple. The petitioner joined duty and started working there.

The petitioner was relieved from service through proceedings dated 19-08-2005 issued by the second respondent on the basis of the orders passed by the Government in G.O.Ms.No.1422, dated 25-07-2005 and the instructions issued by the office of the Commissioner of Endowments, dated 01-08-2005. The petitioner challenges the same.

Heard the learned counsel for the petitioner, the learned Government Pleader for Endowments and the learned Standing Counsel appearing for the second

respondent.

Certain irregularities have taken place during the tenure of the Commissioner of Endowments, who functioned between 18-01-2005 and 31-05-2005. On noticing the large-scale irregularities, the Government issued various orders either keeping in abeyance or annulling the orders passed by the said Commissioner as well as the consequential orders passed by the religious institutions. The case of the petitioner was brought under the sweep of those orders and his services were dispensed with.

The record discloses that the petitioner came to be selected as Veda Parayanadar, much before the Commissioner, who passed controversial orders, held the office. The selection of the petitioner was pursuant to a notification issued in accordance with the relevant provisions and the competent agency had selected him. The only act that can be attributed to the controversial permission vis-à-vis the petitioner, was that on the basis of the selection, which had taken place, an order of appointment was issued. Irrespective of the antecedents of the said Commissioner, the appointment of the petitioner cannot be set aside in any manner. Therefore, this Court does not find any basis for the respondents in setting aside the appointment of the petitioner. The respondents should have maintained the distinction between the cases where appointments or promotions were issued by the then Commissioner, in contravention of the rules and genuine cases such as the present one, where the selection to the sacred post of Veda Parayanadar was undertaken strictly in accordance with the rules.

For the foregoing reasons, the writ petition is allowed and the impugned order is set aside. The petitioner shall be entitled to continue in service.

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(L.NARASIMHA REDDY, J)

13th SEPTEMBER, 2005.

Note: furnish copy in a week.

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